

**** NOTICE:** This is only a preliminary draft of the City-County Council agenda prepared by the Council staff pursuant to Sec. 161-5(b) and may not be complete. The President of the Council has not determined the order of business for this meeting pursuant to Sec. 151-71. The agenda will be final only when approved by the Council at the meeting.

AGENDA

CITY COUNTY COUNCIL

AND THE

INDIANAPOLIS POLICE, FIRE, AND SOLID WASTE COLLECTION

SPECIAL SERVICE DISTRICT COUNCILS

March 22, 2010

7:00 P.M.

- I. PRAYER AND PLEDGE OF ALLEGIANCE - Councillor Speedy**
- II. ROLL CALL**
- III. INTRODUCTION OF GUESTS AND VISITORS**
- IV. OFFICIAL COMMUNICATIONS**
- V. ADOPTION OF AGENDA**
- VI. APPROVAL OF JOURNALS – February 22, 2010**
- VII. PRESENTATION OF PETITIONS, MEMORIALS, SPECIAL RESOLUTIONS, AND COUNCIL RESOLUTIONS**

PROPOSAL NO. 98, 2010 (Special Resolution)

INTRODUCED: 03/22/2010 BY: Councillors Lewis and Brown

REFERRED TO: Committee of the Whole

DIGEST: recognizes Sigma Gamma Rho Sorority

PROPOSAL NO. 99, 2010 (Special Resolution)

INTRODUCED: 03/22/2010 BY: Councillor Pfisterer

REFERRED TO: Committee of the Whole

DIGEST: recognizes Speedway Schools

VII. PRESENTATION OF PETITIONS, MEMORIALS, SPECIAL RESOLUTIONS, AND COUNCIL RESOLUTIONS

PROPOSAL NO. 100, 2010 (Special Resolution)

INTRODUCED: 03/22/2010 BY: Councillor Sanders

REFERRED TO: Committee of the Whole

DIGEST: recognizes NUVO on their 20th anniversary

PROPOSAL NO. 101, 2010 (Special Resolution)

INTRODUCED: 03/22/2010 BY: Councillor Sanders

REFERRED TO: Committee of the Whole

DIGEST: opposes transportation of radioactive waste along federal and state highways

PROPOSAL NO. 102, 2010 (Special Resolution)

INTRODUCED: 03/22/2010 BY: Councillor Coleman

REFERRED TO: Committee of the Whole

DIGEST: supports the Second Amendment to the United States Government, Article 1, Section 32 of the Indiana Constitution, and the position of Indiana Attorney General Greg Zoeller, recently argued before the United States Supreme Court, that the Second Amendment applies to states and local units of government

PROPOSAL NO. 9, 2010 (Council Resolution)

INTRODUCED: 01/11/2010 BY: Councillor Rivera

REFERRED TO: Metropolitan Development Committee

DIGEST: appoints Randolph Snyder to the Metropolitan Development Commission

COMMITTEE ACTION:

01/25/2010 Do Pass 1-4

03/01/2010 Do Pass As Amended 7-0

PROPOSAL NO. 64, 2010 (Council Resolution)

INTRODUCED: 02/22/2010 BY: Councillor Hunter

REFERRED TO: Public Safety and Criminal Justice Committee

DIGEST: reappoints Jeffrey M. Wells to the Crime Prevention Advisory Board

COMMITTEE ACTION:

03/17/2010 Strike 6-0

PROPOSAL NO. 65, 2010 (Council Resolution)

INTRODUCED: 02/22/2010 BY: Councillor Hunter

REFERRED TO: Public Safety and Criminal Justice Committee

DIGEST: reappoints Marilyn Pfisterer to the Early Intervention Planning Council

COMMITTEE ACTION:

03/17/2010 Do Pass 6-0

PROPOSAL NO. 66, 2010 (Council Resolution)

INTRODUCED: 02/22/2010 BY: Councillor Hunter

REFERRED TO: Public Safety and Criminal Justice Committee

DIGEST: reappoints Patricia Jones to the Early Intervention Planning Council

COMMITTEE ACTION:

03/17/2010 Do Pass 6-0

VII. PRESENTATION OF PETITIONS, MEMORIALS, SPECIAL RESOLUTIONS, AND COUNCIL RESOLUTIONS

PROPOSAL NO. 67, 2010 (Council Resolution)
INTRODUCED: 02/22/2010 BY: Councillor Hunter
REFERRED TO: Public Safety and Criminal Justice Committee
DIGEST: reappoints Linda Hogan to the Early Intervention Planning Council
COMMITTEE ACTION:
03/17/2010 Do Pass 6-0

VIII. INTRODUCTION OF PROPOSALS

PROPOSAL NO. 82, 2010 (General Ordinance)
INTRODUCED: 03/22/2010 BY: Councillor Pfisterer
REFERRED TO: Administration and Finance Committee
DIGEST: amends Sec. 135-741 of the Code concerning the Capital Asset Development Fund

PROPOSAL NO. 83, 2010 (Fiscal Ordinance)
INTRODUCED: 03/22/2010 BY: Councillor Pfisterer
REFERRED TO: Administration and Finance Committee
DIGEST: appropriates \$27,562,000 in the 2010 Budgets of the Indianapolis Metropolitan Police Department, Indianapolis Fire Department and Department of Public Works (Capital Asset Development Capital Projects Fund) for long-term vehicle purchases

PROPOSAL NO. 84, 2010 (Special Resolution)
INTRODUCED: 03/22/2010 BY: Councillor Hunter
REFERRED TO: Administration and Finance Committee
DIGEST: determines the need to lease approximately 15,000 square feet of office space at 8115 E. Washington Street for use as a Marion Superior traffic court and Clerk's office

PROPOSAL NO. 85, 2010 (General Resolution)
INTRODUCED: 03/22/2010 BY: Councillor Cardwell
REFERRED TO: Economic Development Committee
DIGEST: approves the statement of benefits of Companion Diagnostics, Inc., an applicant for tax abatement for property located in an Economic Revitalization Area

PROPOSAL NO. 86, 2010 (General Resolution)
INTRODUCED: 03/22/2010 BY: Councillor B. Mahern
REFERRED TO: Economic Development Committee
DIGEST: approves the issuance of special taxing district bonds of the Redevelopment District, payable from taxes on real property located in the Near Eastside HOTIF Area

PROPOSAL NO. 87, 2010 (Council Resolution)
INTRODUCED: 03/22/2010 BY: Councillor Vaughn
REFERRED TO: Metropolitan Development Committee
DIGEST: appoints Mark D. Fisher to the Board of Code Enforcement

PROPOSAL NO. 88, 2010 (General Ordinance)
INTRODUCED: 03/22/2010 BY: Councillors Evans and McHenry
REFERRED TO: Metropolitan Development Committee
DIGEST: amends the Code to clarify that a solid waste transfer station requires special exception approval in order to be established in the I-4-U and I-4-S districts (2009-AO-04)

VIII. INTRODUCTION OF PROPOSALS

- PROPOSAL NO. 89, 2010 (General Ordinance)
INTRODUCED: 03/22/2010 BY: Councillors Cain and Nytes
REFERRED TO: Metropolitan Development Committee
DIGEST: amends the Wellfield Protection Zoning Ordinance to revise the definition of "technically qualified person," to re-assign agency responsibilities for re-evaluation of wellfield delineation boundaries, and for administration of the groundwater protection fee (2009-AO-05)
- PROPOSAL NO. 90, 2010 (Council Resolution)
INTRODUCED: 03/22/2010 BY: Councillor Hunter
REFERRED TO: Public Safety and Criminal Justice Committee
DIGEST: confirms the department of public safety director's appointment of Paul R. Ciesielski as chief of the Indianapolis Metropolitan Police Department
- PROPOSAL NO. 91, 2010 (Fiscal Ordinance)
INTRODUCED: 03/22/2010 BY: Councillor Moriarty Adams
REFERRED TO: Public Safety and Criminal Justice Committee
DIGEST: approves a transfer of \$45,000 in the 2010 Budgets of Marion County Community Corrections and Marion Superior Court (Drug Free Community Fund) to implement substance abuse programs
- PROPOSAL NO. 92, 2010 (Fiscal Ordinance)
INTRODUCED: 03/22/2010 BY: Councillors Pfisterer and Moriarty Adams
REFERRED TO: Public Safety and Criminal Justice Committee
DIGEST: approves an appropriation of \$432,140 in the 2010 Budget of the Marion Superior Court (Federal Stimulus and State Grants Funds) to fund salaries of probation officers and a case manager supervisor as part of the Family and Youth Intervention (FYI) program
- PROPOSAL NO. 93, 2010 (General Ordinance)
INTRODUCED: 03/22/2010 BY: Councillor Vaughn
REFERRED TO: Public Safety and Criminal Justice Committee
DIGEST: amends the Code to eliminate the provisions regarding law enforcement consolidation transition entities, and to make corresponding technical corrections
- PROPOSAL NO. 94, 2010 (General Ordinance)
INTRODUCED: 03/22/2010 BY: Councillor Speedy
REFERRED TO: Public Works Committee
DIGEST: amends the Code to add and amend various penalties related to the enforcement of provisions addressing the operation and safety of bicycles and bicycle lanes or paths
- PROPOSAL NO. 95, 2010 (General Ordinance)
INTRODUCED: 03/22/2010 BY: Councillor Rivera
REFERRED TO: Public Works Committee
DIGEST: authorizes multi-way stops at intersections in the Timberlakes subdivision (District 25)
- PROPOSAL NO. 96, 2010 (Council Resolution)
INTRODUCED: 03/22/2010 BY: Councillors Pfisterer, McQuillen, Brown, Gray and Scales
REFERRED TO: Rules and Public Policy Committee
DIGEST: approves the Mayor's establishment of a charter school, "Site 1 - St. Andrew/St. Rita" by issuing a charter to ADI, Inc.

VIII. INTRODUCTION OF PROPOSALS

PROPOSAL NO. 97, 2010 (Council Resolution)
INTRODUCED: 03/22/2010 BY: Councillors Pfisterer, McQuillen, Brown, Gray and Scales
REFERRED TO: Rules and Public Policy Committee
DIGEST: approves the Mayor's establishment of a charter school, "Site 2 - St. Anthony" by issuing a charter to ADI, Inc.

IX. SPECIAL ORDERS - PRIORITY BUSINESS

PROPOSAL NOS. 103-107, 2010 (Rezoning Ordinances)
INTRODUCED: 03/22/2010 BY: Councillor McHenry
REFERRED TO: Committee of the Whole
DIGEST: rezoning ordinances certified by the Metropolitan Development Commission on March 14, 2010

PROPOSAL NOS. 108-112, 2010 (Rezoning Ordinances)
INTRODUCED: 03/22/2010 BY: Councillor McHenry
REFERRED TO: Committee of the Whole
DIGEST: rezoning ordinances certified by the Metropolitan Development Commission on February 19, 2010

PROPOSAL NO. 113, 2010 (Rezoning Ordinance)
INTRODUCED: 03/22/2010 BY: Councillor McHenry
REFERRED TO: Committee of the Whole
DIGEST: rezoning ordinance certified by the Metropolitan Development Commission on February 24, 2010

PROPOSAL NO. 114, 2010 (Rezoning Ordinance)
INTRODUCED: 03/22/2010 BY: Councillor McHenry
REFERRED TO: Committee of the Whole
DIGEST: rezoning ordinance certified by the Metropolitan Development Commission on February 24, 2010

X. SPECIAL ORDERS - PUBLIC HEARING

XI. SPECIAL ORDERS - UNFINISHED BUSINESS

XII. SPECIAL ORDERS - FINAL ADOPTION

PROPOSAL NO. 432, 2009 (General Ordinance)
INTRODUCED: 11/30/2009 BY: Councillor D. Mahern
REFERRED TO: Administration and Finance Committee
DIGEST: amends the employee residence requirements related to employment of persons possessing specialized skills and training for which there are no qualified or employable applicants who are also Marion County residents
COMMITTEE ACTION:
12/01/2009 Postpone until 2/23/2010 6-0
02/23/2010 Strike 7-0

XII. SPECIAL ORDERS - FINAL ADOPTION

PROPOSAL NO. 34, 2010 (General Ordinance)

INTRODUCED: 02/01/2010 BY: Councillor Cain

REFERRED TO: Ethics Committee

DIGEST: amends the Code to make technical corrections regarding when economic statements of interest need to be filed

COMMITTEE ACTION:

03/18/2010 Do Pass <<Vote>>

PROPOSAL NO. 38, 2010 (General Ordinance)

INTRODUCED: 02/01/2010 BY: Councillor Speedy

REFERRED TO: Metropolitan Development Committee

DIGEST: amends the Code to re-assign the duties of Chapter 701, Trees and Flora, amongst the Departments of Code Enforcement, Public Works and Parks and Recreation, and to make other technical corrections

COMMITTEE ACTION:

03/01/2010 Do Pass As Amended 7-0

PROPOSAL NO. 42, 2010 (General Resolution)

INTRODUCED: 02/22/2010 BY: Councillor Hunter

REFERRED TO: Public Safety and Criminal Justice Committee

DIGEST: approves crime prevention initiative grant awards to specific organizations as recommended by the Crime Prevention Advisory Board and as approved by the Mayor

COMMITTEE ACTION:

03/17/2010 Do Pass As Amended 6-0

PROPOSAL NO. 68, 2010 (Fiscal Ordinance)

INTRODUCED: 02/22/2010 BY: Councillor Hunter

REFERRED TO: Public Safety and Criminal Justice Committee

DIGEST: approves a transfer of \$35,000 in the 2010 Budget of the Metropolitan Emergency Communications Agency (MECA and MECA Emergency Telephone System Funds) to fund overtime costs related to the operations of the customer service desk

COMMITTEE ACTION:

03/17/2010 Do Pass 6-0

PROPOSAL NO. 69, 2010 (General Ordinance)

INTRODUCED: 02/22/2010 BY: Councillors Minton-McNeill and D. Mahern

REFERRED TO: Public Works Committee

DIGEST: authorizes a traffic signal at the intersection of Washington Street and California Street (Districts 15 and 19)

COMMITTEE ACTION:

03/04/2010 Do Pass 8-0

PROPOSAL NO. 70, 2010 (General Ordinance)

INTRODUCED: 02/22/2010 BY: Councillor Minton-McNeill

REFERRED TO: Public Works Committee

DIGEST: authorizes a change in parking and manner of parking on Milburn Street between 14th Street and Indiana Avenue (District 15)

COMMITTEE ACTION:

03/04/2010 Do Pass 8-0

XII. SPECIAL ORDERS - FINAL ADOPTION

PROPOSAL NO. 72, 2010 (General Ordinance)
INTRODUCED: 02/22/2010 BY: Councillors Speedy and Moriarty Adams
REFERRED TO: Public Works Committee
DIGEST: amends the Code to make technical corrections and clarify provisions as a result of the excluded City of Beech Grove having exercised its statutory right to withdraw from the Marion County Stormwater Management District
COMMITTEE ACTION:
03/04/2010 Do Pass As Amended 8-0

XIII. SPECIAL SERVICE DISTRICT COUNCILS

XIV. NEW BUSINESS

XV. ANNOUNCEMENTS AND ADJOURNMENT

The President The docketed agenda for this meeting of Council having been completed, the Chair will now entertain motions for adjournment.

President's Designee Mr. President.

The President The Chair recognizes Councillor Pfisterer.

The Councillor Mr. President, I have been asked to offer the following motion for adjournment:

by All Councillors in memory of Lettie Oliver.

by All Councillors in memory of Rudy Hightower.

by Councillor McQuillen in memory of Paul Dutchess and Wilbur Hoover.

by Councillor Gray in memory of Samuel Milton, Jr. and Sheila Rhodes.

by Councillor Nytes in memory of Michael Brown and Jane Hennessy Fortune.

by Councillor Pfisterer in memory of Harold Osting, Jay Snedeker, Cyrus Steinmeyer, Clifford Devine, and Ed "Dutch" Ahrendt.

by Councillor Coleman in memory of Jame Stuart Goldstein.

by Councillor Evans in memory of Charles Keys.

Mr. President, I would like to move the adjournment of this meeting of the Indianapolis City-County Council in recognition of and respect for the life and contributions of those persons I have here specifically named. I respectfully ask the support of fellow Councillors. I further request that the motion be made a part of the permanent records of this body and that a letter bearing the Council seal and the signature of the President be sent to the family of each person advising of this action.

The President

Thank you, Councillor Pfisterer. Hearing no objections, the motion is received and the requests are so ordered.

Hearing no further motions, we are adjourned.

XVI. PENDING PROPOSALS

PROPOSAL NO. 243, 2009 (Special Ordinance)

INTRODUCED: 06/29/2009 BY: Councillors Hunter and Evans

REFERRED TO: Public Works Committee

DIGEST: approves and authorizes execution of an agreement between the City of Indianapolis and Hamilton County, Indiana, for the exercise of eminent domain authority and the construction of highway and drainage improvements in Marion and Hamilton Counties

COMMITTEE ACTION:

07/09/2009 Postpone until 7/30/2009 7-0

07/30/2009 Tabled 8-0

12/10/2009 Postpone until 1/21/2010 9-0

02/11/2010 Postpone until 4/1/2010 9-0

PROPOSAL NO. 359, 2009 (General Ordinance)

INTRODUCED: 09/21/2009 BY: Councillors Hunter, McQuillen and Malone

REFERRED TO: Public Safety and Criminal Justice Committee

DIGEST: amends the Code to adopt a new chapter requiring permits for funeral and other escorted vehicular processions

COMMITTEE ACTION:

09/23/2009 Tabled 8-0

PROPOSAL NO. 371, 2009 (General Ordinance)

INTRODUCED: 10/05/2009 BY: Councillors Hunter and Mansfield

REFERRED TO: Community Affairs Committee

DIGEST: amends the Code with respect to nonsmoking areas

COMMITTEE ACTION:

10/14/2009 Do Pass As Amended 4-2

COUNCIL ACTION:

10/26/2009 Indecisive Vote 12-13

10/26/2009 Tabled 14-13

11/09/2009 Overruled Chair's Decision on Tabling 12-16

11/09/2009 Postpone until 11/30/2009 28-0

11/30/2009 Returned to Committee 20-7

COMMITTEE ACTION:

12/30/2009 Postpone until 4/14/2010 4-0

PROPOSAL NO. 378, 2009 (Special Resolution)

INTRODUCED: 10/05/2009 BY: Councillor Cockrum

REFERRED TO: Rules and Public Policy Committee

DIGEST: supports FedEx Express operations and the City of Indianapolis

COMMITTEE ACTION:

10/13/2009 Do Pass As Amended 5-1

COUNCIL ACTION:

10/26/2009 Returned to Committee

COMMITTEE ACTION:

11/04/2009 Tabled 7-0

XVI. PENDING PROPOSALS

PROPOSAL NO. 408, 2009 (General Resolution)

INTRODUCED: 11/09/2009 BY: Councillor Smith

REFERRED TO: Economic Development Committee

DIGEST: approves the guaranty of the yield on low income tax credits in order to enable the sale of such low income tax credits by the Indianapolis Housing Agency for rehabilitation projects in the City to be developed by its non-profit arm Partners for Affordable Housing, Inc.

COMMITTEE ACTION:

11/23/2009 Postponed 7-0

12/08/2009 Tabled 5-0

PROPOSAL NO. 418, 2009 (Special Resolution)

INTRODUCED: 11/09/2009 BY: Councillors B. Mahern, Lewis, Sanders, D. Mahern, Hunter, Smith, Mansfield and Malone

REFERRED TO: Metropolitan Development Committee

DIGEST: urges the General Assembly and Governor to grant additional authority to the Council to review and approve all tax abatements, postpone consideration of tax abatements and zoning changes, and review and approve any real estate acquisition by the Metropolitan Development Commission in excess of \$25,000

COMMITTEE ACTION:

12/07/2009 Do Pass 2-5

PROPOSAL NO. 3, 2010 (Council Resolution)

INTRODUCED: 01/11/2010 BY: Councillor Cardwell

REFERRED TO: Economic Development Committee

DIGEST: re-nominates David Oeth to the Speedway Economic Development Commission

PROPOSAL NO. 10, 2010 (Council Resolution)

INTRODUCED: 01/11/2010 BY: Councillor Plowman

REFERRED TO: Metropolitan Development Committee

DIGEST: reappoints Alan E. Retherford to the Metropolitan Board of Zoning Appeals, Division III

COMMITTEE ACTION:

01/25/2010 Do Pass 1-4

PROPOSAL NO. 33, 2010 (Council Resolution)

INTRODUCED: 02/01/2010 BY: Councillor Cardwell

REFERRED TO: Economic Development Committee

DIGEST: appoints Michael Halstead to the Indianapolis City Market Corporation Board of Directors

PROPOSAL NO. 39, 2010 (General Ordinance)

INTRODUCED: 02/01/2010 BY: Councillor Coleman

REFERRED TO: Parks and Recreation Committee

DIGEST: amends the Code to clarify provisions with respect to possession of firearms on park property

COMMITTEE ACTION:

02/25/2010 Tabled 4-3

XVI. PENDING PROPOSALS

PROPOSAL NO. 62, 2010 (General Resolution)

INTRODUCED: 02/22/2010 BY: Councillor Pfisterer

REFERRED TO: Administration and Finance Committee

DIGEST: authorizes the execution of guaranteed energy savings contracts with three qualified providers for the implementation of recommended conservation measures

COMMITTEE ACTION:

02/23/2010 Postpone until 3/23/2010 4-0

PROPOSAL NO. 71, 2010 (General Resolution)

INTRODUCED: 02/22/2010 BY: Councillor Speedy

REFERRED TO: Public Works Committee

DIGEST: approves the issuance of one or more series of Indiana Waterworks District Net Revenue Bonds or notes in an aggregate principal amount not to exceed \$1.2 million to fund special main extension projects to serve unserved areas by funding through the State Revolving Loan Fund

COMMITTEE ACTION:

03/04/2010 Tabled 8-0

PROPOSAL NO. 79, 2010 (Council Resolution)

INTRODUCED: 02/22/2010 BY: Councillors Sanders, Mansfield, Minton-McNeill, Lewis, Moriarty Adams, B. Mahern, Bateman, Nytes, Oliver and Evans

REFERRED TO: Rules and Public Policy Committee

DIGEST: supports an open and transparent discussion concerning the proposal to sell or to otherwise dispose of water-related resources, water facilities, assets and properties of Indianapolis Water, and that any such disposition or decision to retain such assets be a matter reserved to the City-County Council

COUNCIL ACTION:

02/22/2010 Referred to Committee